



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

## **REGULATORY ALERT**

### **Phase-In of Clean Air Act Permitting for Greenhouse Gases**

This information was prepared by NASA's Principal Center for Regulatory Risk Analysis and Communication (RRAC). An archive of regulatory alerts, summaries, and other information is posted on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. If you have further questions and/or need assistance, please contact Sharon Scroggins/MSFC (256-544-7932, [sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

**Date [Citation]:** 2 April 2010 [63 FR 17004]

**Regulatory Agency:** U.S. Environmental Protection Agency

**Rulemaking Type:** Final Action on Reconsideration of Interpretation

**Title:** Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs

#### **Summary:**

On 2 April 2010, the U.S. Environmental Protection Agency (EPA) issued a final action on its existing interpretation regarding regulation of greenhouse gases (GHGs) as air pollutants under the Clean Air Act (CAA). In the action, EPA completes its reconsideration of an 18 December 2008 [memorandum](#) entitled, "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program." As a result of this reconsideration, EPA has made the following determinations:

- PSD and Title V permitting requirements will not apply to GHGs until at least 2 January 2011.
- For GHGs, permitting requirements will be effective when the first national rule controlling GHGs takes effect. Once effective, the light-duty vehicle (LDV) rule will limit GHG emissions for cars and light trucks and will trigger these requirements on 2 January 2011- the earliest time at which model year 2012 vehicles meeting the standards will be sold in the U.S.
- The existing interpretation of the phrase "subject to regulation" applies for Title V permitting, as well.
- There will be no "grandfathering" of pending permit applications. Permits issued after 2 January 2011 (the earliest possible effective date for the LDV rule) must address GHG emissions, even if applications were filed and determined complete before that date.
- New and modified large stationary sources must already consider energy efficiency when selecting the best available control technology for non-GHG pollutants. Greater energy efficiency results in lower GHG emissions.

#### **Potential Impacts to NASA:**

NASA Centers and contractor facilities may be required to incorporate GHG emissions into future PSD and Title V permits once EPA finalizes the LDV regulation and GHGs become regulated pollutants for permitting purposes. Specifically, the LDV rule includes the following GHGs: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

**Additional Information:** <http://www.epa.gov/nsr/guidance.html>, <http://www.epa.gov/otag/climate/regulations.htm>

On 1 April 2010, EPA and the National Highway Traffic Safety Administration jointly issued a [final rule](#) for the LDV GHG emission standards. The rule is scheduled to be published in the *Federal Register* in April 2010.